

LEGAL MAILBAG – SEPTEMBER 17, 2026



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The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

Our high school maintains over 130 surveillance cameras that monitor public spaces inside and outside the building. While I am clear on parents’ rights under FERPA to view footage of their own children, I am increasingly stumped by staff requests.

Faculty and staff frequently request to review—and sometimes make copies of—footage involving student interactions, altercations, or personal injuries. My general practice has been to deny requests for copies, though I have occasionally allowed staff to view footage of their own workplace accidents.

Recently, a teacher moved her class into the hallway to provide additional working space and subsequently tripped and fell during the period. She has now demanded to view and receive a copy of the recorded footage, which includes both her and her students.

This situation leaves me with a few pressing questions:

1. Does temporarily holding class in a public hallway transform that area into a private instructional space where video recording is legally restricted?
2. Under FOIA, FERPA, or labor standards, am I obligated to allow a staff member to view or receive a physical copy of footage depicting their own workplace accident?
3. Does the presence of students or other staff members in the background restrict what we can release to an employee?

Signed,
Record Me Confused

Dear Record:

Given the ubiquity of surveillance cameras in our schools, questions such as yours arise from time to time, and Legal Mailbag is pleased to respond to your good questions after some initial observations to frame the discussion.

First, a surveillance video is considered a public record under the Freedom of Information Act (FOIA). However, some public records are exempt from disclosure under the FOIA, such as records relating to litigation or collective bargaining strategy, confidential attorney-client communications, and, most relevant here, records that contain personally-identifiable student information which, as such, are confidential under FERPA.

Second, not every image of a student captured on surveillance video is a FERPA-protected record. FERPA defines “education records” subject to its protections as follows:

Education Records:

The term means those records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

34 Code of Federal Regulations § 99.3.

The key to determining whether a record is subject to FERPA is whether the record is maintained by the educational institution because it relates directly to a student. By way of example, if a surveillance video records two students fighting and six students watching, that video would likely be maintained for disciplinary purposes as to the two students who are fighting. The students watching are simply bystanders. Absent special circumstances the educational institution would not be maintaining the video as to them, and thus the video would not be a FERPA-protected record as to them.

With those threshold principles in mind, Legal Mailbag can respond to your questions as follows:

1. Does temporarily holding class in a public hallway transform that area into a private instructional space where video recording is legally restricted?

No. The only legal restriction about recording in private educational spaces relates to (1) FERPA protections for students, and (2) established practices that prohibit recording of teachers during instruction. The State Board of Labor Relations has ruled that a change in practice that involves recording employees at work relates to a mandatory subject of negotiation that must be negotiated. Accordingly, your sensitivity about recording classroom instruction is appropriate.

That said, a teacher cannot unilaterally change expectations (*i.e.*, working conditions) by bringing her class into the hallway, even for instruction. Surveillance of the hallways in your school is an established practice, and maintaining that practice by recording events that occur in the hallway is permitted.

2. Under FOIA, FERPA, or labor standards, am I obligated to allow a staff member to view or receive a physical copy of footage depicting their own workplace accident?

A surveillance video that is not maintained as to a specific student is simply a public record not subject to confidentiality requirements of FERPA. Under the FOIA, teachers and any other interested person

may request and receive a copy of that public record. Moreover, if and when a teacher makes you aware of a recording that shows when and how a teacher was injured, you should interrupt the normal recording/over-recording cycle and have your IT person maintain a copy of the recording for future reference.

3. Does the presence of students or other staff members in the background restrict what we can release to an employee?

No. As indicated above, a surveillance video that is not directly related to an individual student is not a FERPA-protected record, and thus students whose images are incidentally recorded would not be able to claim that the recording is a confidential FERPA-protected record. In addition, there is no general expectation of privacy for staff members in a public school, and any other staff member whose image is similarly recorded has no standing to demand that the recording be maintained as a confidential record.

Legal Mailbag offers two additional observations on this interesting topic. First, Legal Mailbag is pleased to hear that you are “clear on parents’ rights under FERPA to view footage of their own children.” However, other readers may not be as sophisticated in their understanding of FERPA, and Legal Mailbag will note for their benefit that in 2017, the Office of the Chief Privacy Officer has offered guidance on a parent’s right to review a recording that is a FERPA-protected record as to another student as well. That guidance states that, when a videotape relates directly to two students, parents of both students can see the video, but neither parent can take a copy. [Letter to Wachter dated December 7, 2017](#) (OCPO 2017).

Finally, Legal Mailbag notes that the General Assembly addressed the issue of surveillance videos in the last legislative session. Conn. Gen. Stat. § 31-48d, first enacted in 1998, has long required that an “employer who engages in any type of electronic monitoring shall give prior written notice to all employees who may be affected, informing them of the types of monitoring which may occur,” and, further, that “[e]ach employer shall post, in a conspicuous place which is readily available for viewing by its employees, a notice concerning the types of electronic monitoring which the employer may engage in.”

Public Act 26-73 amended this statute this year to provide that the required prior written notice of electronic monitoring must not only apprise employees of the types of monitoring which may occur, but now also of “the specific locations on the employer’s premises where such monitoring may occur.” The import of this statutory amendment, however, is not clear because the amended statute now also provides that this new requirement “**shall not apply** . . . when an employer has reasonable grounds to conduct such monitoring for security and employee safety purposes.” (Emphasis added).

This exception to the location-specific notification requirement appears to include the surveillance videos in your question. However, a new requirement in the amended statute applies more generally. The statute now provides that “Each employer who engages in any type of electronic monitoring shall also provide each employee hired on or after October 1, 2026, with a plain language statement in writing prior to their commencing employment, advising them which activities are prohibited and may be monitored without giving prior written notice. The statute describes those circumstances as occurring when “an employer has reasonable grounds to believe that employees are engaged in conduct which (i) violates the law, (ii) violates the legal rights of the employer or the employer’s employees, or (iii) creates a hostile workplace environment, and (B) electronic monitoring may produce evidence of this misconduct.”

Districts throughout Connecticut must implement this new requirement by October 1 of this year. Aren’t you glad you asked?